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Name of Depositor: Daryl K. Neff

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Richard C. Ferri et al.

Date: **April 27, 2006**

Serial Number: **10/716,718**

Examiner: **Steven M. Marsh**

Filed: **November 19, 2003**

Group Art Unit: **3632**

Title: **SUPPORTING ADAPTER FOR
PORTABLE COMPUTER**

Conf. No.: **6317**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is filed following the Advisory Action dated April 6, 2006 in which the Examiner did not withdraw the final rejections of the claims.

This request is being filed with a notice of appeal and with a petition for an extension of time (one-month).

The review is requested for the reasons stated in the following sheets attached below as Arguments. As required, no more than five (5) pages are provided.

ARGUMENTS

This request is in response to the final Office Action dated January 13, 2006 and further in response to the Advisory Action dated April 6, 2006.

In the final Office Action, the Examiner rejected the claims under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,859,762 to Clark et al. ("*Clark*"), in view of U.S. Patent No. 6,282,084 to Goerdts et al. ("*Goerdts*"), or as obvious over *Clark*, in view of *Goerdts* and further in view of U.S. Patent No. 4,093,326 to Ford ("*Ford*").

An amendment was filed March 13, 2006 to correct the drawings, with arguments for distinguishing the claims over the cited references. In the Advisory Action dated April 6, 2006, the Examiner indicated that the amendment was entered but that the rejections still stand.

All of the independent claims 1, 14 and 20 recite:

a latch provided from the top surface of a support plate which engages a cooperating opening in the computing device to secure the computing device to the top surface.

The Examiner's reliance on *Goerdts* as teaching this feature is misplaced.

Rather than a *latch*, *Goerdts* merely shows and describes use of a *bracket* 24 (FIG. 2) for attaching the computing device to a pedestal. In the amendment filed in response to the Office Action dated July 11, 2005, Applicants submitted the Merriam-Webster dictionary definitions of "bracket" and "latch" as distinguishing these terms. In one main difference, the brackets taught by *Goerdts* have no moving parts. By contrast, the two definitions of "latch" given by Merriam-Webster indicate use of moving parts: a. "a fastener (as for a door) consisting essentially of a *pivoted bar* that *falls* into a notch";

or b. "a fastener (as for a door) in which a spring *slides a bolt* into a hole."

In addition, with respect to claim 7, 15 and 19, the Examiner's reliance on *Goerd* is misplaced. The Examiner agrees that *Goerd* does not teach a computing device having openings in the bottom surface of the computing device, but argues that the location of the openings is a matter of engineering preference. However, this plainly contradicts the teachings of *Goerd*. *Goerd* teaches a bracket 24 attached to a sidewall 40 of a pedestal which has a tab 44 which engages *a shoulder 48 in the sidewall 50 of the computing device*. (col. 3, Ins. 38-41; FIG. 2). In the computing device shown in *Goerd*, and indeed in a typical example, the sidewall 50 of the computing device rises at a 90 degree angle from the bottom surface. Clearly, the bracket having an angled tab designed for engaging a sidewall taught by *Goerd* would not be capable of engaging a cooperating opening in a *bottom* surface of the computing device.

In addition, with respect to claims 3-6 and 16-18, the Examiner admits that *Ford* does not teach the recited feature. *Ford* teaches use of a *wingnut* for securing a tray to a stand having a through hole, not a *threaded opening* for engaging a threaded stud. The Examiner states that it would be merely a matter of engineering preference to provide a threaded opening in the surface of a plate for engagement with a threaded stud.

Applicants submit that the difference is more than mere engineering preference. The threaded opening in the stand enhances convenience in connecting the support plate having a threaded stud to the stand, because it avoids having to keep track of an extra part (a wingnut) as in *Ford*. With the mounting system shown in *Ford*, one has to hold the support plate with the threaded stud in one hand and the stand in

the other hand and simultaneously screw the wingnut onto the threaded stud. Given the weight of the computing device and that of the support stand, this could be a difficult maneuver to perform. Through use of a threaded opening in the support stand, one can more easily mount the support plate to the stand. Moreover, new function is achieved because the support plate may be mounted to the stand even when the computing device is already mounted to the support plate.

Withdrawal of the present rejections and allowance of the application are respectfully requested.

The accompanying Notice of Appeal is filed with the required fee and a petition for extension of time (one-month). It is believed that no other fee is due with this request for review. I am an attorney acting under 37 CFR 1.34.

Respectfully submitted,
Richard C. Ferri et al.

By:



Daryl K. Neff, Attorney
Registration No. 38,253
Telephone: (973) 316-2612